

IN THE SENATE

SENATE BILL NO. 1348, As Amended

BY JUDICIARY AND RULES COMMITTEE

AN ACT

RELATING TO DEBTS OWED TO COURTS; AMENDING SECTION 19-4708, IDAHO CODE, TO ESTABLISH PROVISIONS REGARDING COLLECTION OF DEBTS OWED TO A COURT AND TO MAKE TECHNICAL CORRECTIONS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 19-4708, Idaho Code, be, and the same is hereby amended to read as follows:

19-4708. COLLECTION OF DEBTS OWED TO COURTS -- CONTRACTS FOR COLLECTION. (1) The supreme court, or the clerks of the district court with the approval of the administrative district judge, may enter into contracts in accordance with this section for collection services for debts owed to courts. The cost of collection shall be paid by the defendant or juvenile offender as an administrative surcharge when the defendant or juvenile offender fails to pay any amount ordered by the court and the court utilizes the services of a contracting agent pursuant to this section.

(2) In every criminal case, the court shall review debts owed to the court by a defendant or juvenile offender no less often than every ninety (90) days. In any case where a defendant or juvenile offender has not made at least one (1) payment toward debts owed to the court within such ninety (90) day period, such person, unless otherwise in state or local custody, shall be required to appear before the court, in person, to explain to the court why payments have not been made and to establish a meaningful payment plan. It shall be the responsibility of the administrative district judge in each judicial district to establish a practice to accomplish the requirements of this subsection. Except in circumstances where a person engages in conduct amounting to direct contempt of court at a fine review hearing held pursuant to this subsection, no person shall be subject to being jailed with regard to, or as a consequence of, the content of the information exchanged or provided to the court at such hearing.

~~(2)~~ (3) As used in this section:

(a) "Contracting agent" means a person, firm or other entity who contracts to provide collection services.

(b) "Cost of collection" means the fee specified in contracts to be paid to or retained by a contracting agent for collection services.

(c) "Debts owed to courts" means any assessment of fines, court costs, surcharges, penalties, fees, restitution, moneys expended in providing counsel and other defense services to indigent defendants or juvenile offenders or other charges ~~which that~~ a court judgment or disposition has ordered to be paid to the court in civil, criminal, or juvenile cases, and ~~which that~~ remain unpaid, in whole or in part, and includes

1 any interest or penalties on such unpaid amounts as provided for in the
2 judgment or by law.

3 ~~(3)~~ (4) The supreme court may adopt rules as deemed appropriate for the
4 administration of this section, including procedures to be used in the nego-
5 tiation and execution of contracts pursuant to this section, procedures to
6 be followed by courts ~~which~~ that utilize collection services under such con-
7 tracts, and procedures for the compromise of debts owed to courts in criminal
8 or juvenile cases.

9 ~~(4)~~ (5) Each contract entered into pursuant to this section shall spec-
10 ify the scope of work to be performed and provide for a fee to be paid to or
11 retained by the contracting agent for collection services. Such fee shall be
12 designated as the cost of collection and shall not exceed thirty-three per-
13 cent (33%) of the amount collected. The cost of collection shall be deducted
14 from the amount collected but shall not be deducted from the debts owed to
15 courts.

16 ~~(5)~~ (6) Contracts entered into shall provide for the payment of any
17 amounts collected to the clerk of the district court for the court in which
18 the debt being collected originated after first deducting the collection
19 fee. In accounting for amounts collected from any person pursuant to this
20 section, the district court clerk shall credit the person's amount owed in
21 the amount of the net proceeds collected and shall not reduce the amount owed
22 by any person by that portion of any payment ~~which~~ that constitutes the cost
23 of collection pursuant to this section.

24 ~~(6)~~ (7) With the appropriate cost of collection paid to the contract-
25 ing agent as agreed upon in the contract, the clerk shall then distribute the
26 amounts collected in accordance with the law.

27 SECTION 2. An emergency existing therefor, which emergency is hereby
28 declared to exist, this act shall be in full force and effect on and after
29 July 1, 2024.